

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Statement of Issues To Be Presented On Appeal

IN RE: Danien Harper (Debtor) CASE # 07-12035
FILED
U.S. BANKRUPTCY COURT
2007 OCT -4 P 12:44
S.D.N.Y.

PLEASE LIST EACH OF THE ISSUES YOU WISH TO PRESENT ON APPEAL

TO THE JUDGE AT THE UNITED STATES DISTRICT COURT

To answer the 9/26/07 Decision, I Danien Harper have not done anything fraudulent, or neglect full. All information from exhibit "A" - "C" shows that all papers are legal and before the car title was put out of my name all debts were paid by me to the Provident Bank or else the DMV would of not switched the title to the new owner.

DATE: 10/4/2007

Your signature

Dan Harper

Your name

Danien Harper

Your address

2844 8 Avenue H
NY NY 10039

Your phone number

(212) 694-1263

Designation of Items to be Included
in the Record on Appeal and Statement
of issues on Appeal

Pursuant to Bankruptcy Rule 8006, appellant (Danien Harper) hereby designates the following items to be included in the record on the appeal and sets forth as follows a statement of the issues to be presented on appeal of the above - referenced case from the order of the United States Bankruptcy Court for the Southern District of New York, Honorable Judge Arthur. Gonzalez, dated (09/26/07)

Designation of Contents of Record

- Docket ~~Report~~ ^{D.H.} From 07/19/2007 - 9/12/2007.
(1-18)

and my written statement to answer the Provident

Also provident Bank did not recover the car and new the address of the new owner. So, there are the 10/17/07 court date should be cancelled.

		at 09:30 AM at Courtroom 523 (AJG) (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Affidavit of Fact# <u>4</u> Proposed Order# <u>5</u> Certificate of Service) (Mooney, Martin) (Entered: 07/19/2007)
07/19/2007		Receipt of Motion for Relief from Stay (fee)(07-12035-ajg) [motion,185] (150.00) Filing Fee. Receipt number 4343157. Fee amount 150.00. (U.S. Treasury) (Entered: 07/19/2007)
08/01/2007	<u>7</u>	Order signed on 8/1/2007 granting motion by Wells Fargo Financial NY, Inc. for relief from stay (Related Doc # <u>5</u>). (DePierola, Jacqueline) (Entered: 08/01/2007)
08/02/2007	<u>8</u>	Trustee requests discharge and certifies under FRBP 5009: the estate has been fully administered; I have neither received nor distributed any non-exempt property; I have diligently inquired about the debtor (s) financial affairs and location of estate property. The estate has no nonexempt property to distribute. (O'Connell, Richard) (Entered: 08/02/2007)
08/07/2007	<u>8</u>	Certificate of Service for Motion for Relief from Automatic Stay (DMG) (related document(s)?) filed by Martin A. Mooney on behalf of Wells Fargo Financial NY, Inc.. (Mooney, Martin) (Entered: 08/07/2007)
08/30/2007	<u>9</u>	Notice of Appearance filed by Linda D. Calder on behalf of The Provident Bank. (Attachments: # <u>1</u> Affidavit of Service)(Calder, Linda) (Entered: 08/30/2007)
08/30/2007	<u>10</u>	Motion for Relief from Stay filed by Linda D. Calder on behalf of The Provident Bank. with hearing to be held on 9/26/2007 at 09:30 AM at Courtroom 523 (AJG) (Attachments: # <u>1</u> Proposed Order for Relief from Automatic Stay# <u>2</u> FRCP 55 Affidavit# <u>3</u> Affidavit of Bankruptcy Specialist# <u>4</u> Affirmation of Linda D. Calder, Esq.# <u>5</u> Exhibit A# <u>6</u> Exhibit B# <u>7</u> Exhibit C# <u>8</u> Exhibit D# <u>9</u> Affidavit of Service) (Calder, Linda) (Entered: 08/30/2007)
08/30/2007		Receipt of Motion for Relief from Stay (fee)(07-12035-ajg) [motion,185] (150.00) Filing Fee. Receipt number 4403787. Fee amount 150.00. (U.S. Treasury) (Entered: 08/30/2007)
08/30/2007	<u>11</u>	Memorandum of Law in Support of Creditor's Motion to Terminate Automatic Stay (related document (s)) filed by Linda D. Calder on behalf of The Provident Bank. (Attachments: # <u>1</u> Affidavit of Service) (Calder, Linda) (Entered: 08/30/2007)
09/04/2007	<u>15</u>	Financial Management Course Certification (Official Form 23) Certificate of Debtor Education filed by Danien F. Harper. (Epps, Juanita) (Entered: 09/13/2007)
09/04/2007	<u>16</u>	Schedules filed:, Schedule E Amended filed by Danien F. Harper. (Epps, Juanita) (Entered: 09/20/2007)
09/05/2007	<u>12</u>	Adversary case 07-02006. Complaint against Danien F. Harper . Nature(s) of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) Filed by Steven Taitz, Linda D. Calder, Campion Lally, The Provident Bank on behalf of The Provident Bank. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Taitz, Steven) (Entered: 09/05/2007)
09/06/2007	<u>17</u>	Schedules filed:, Schedule E Amended Fee Paid Receipt # 173595 filed by Danien F. Harper. (Epps, Juanita) (Entered: 09/20/2007)
09/10/2007	<u>13</u>	Request for Notice of Requirement to Complete Course in Financial Management (Richards, Beverly). (Entered: 09/10/2007)
09/11/2007	<u>18</u>	Schedules filed:, Schedule E Amended Receipt # 173416 filed by Danien F. Harper. (Epps, Juanita)

They want to make
Cable and we get paid
By Bankruptcy.

		(Entered: 09/20/2007)
09/12/2007	14	Certificate of Mailing Re: Notice of Requirement to Complete Course in Financial Management (related document(s) (Related Doc # 13)) . Service Date 09/12/2007. (Admin.) (Entered: 09/13/2007)

10/1/07
Damen Harper

FROM: DANIEL HARPER
2844 8 AVENUE #4D
NEW YORK, N.Y. 10039
1(646)387-0288 cell
1(212) 694-1263 home

FILED
CLERK OF COURT
2007 OCT -2 P 12:58

TO: ANSWER PETITIONER PROVIDENT BANK DECISION FROM 9/26/07

I DANIEL HARPER AM ASKING FOR THE ORDER TO BE REMOVED AND TO LET THE CHAPTER 7 PAY FOR THE CAR & CANCEL 10/19/07 ORDER TO PURSUE THE MATTER, IT CLEAR THAT I LIABLE FROM THE 9/26/07 DECISION AND HAVE NO INCOME OR PREVIOUS KNOWLEDGE OF THE CAR WERE ABOUTS, THE ONLY MEANS FOR ME TO PAY IS THROUGH CHAPTER 7 BANKRUPTCY. PLEASE NOTE BY DISMISSING THE 10/19/07 ORDER WILL SPEED UP MY DISCHARGE AND FOR THE PROVIDENT BANK ORDER TO ACKNOWLEDGE IN THE DECISION RELIEVING YOU FROM DEBT, ESP. AS APPOSE TO PROLONGING THE DATES AND PURSUEING ME, A DISABLE PERSON WITH A FIXED INCOME ONLY! SO, I DANIEL HARPER AM PROSING TO THE COURTS THAT THE ORDER FOR RELIEF FROM AUTOMATIC STAY; TO BE RE-ADMITTED IN FAVOR OF ME, AND ACKNOWLEDGED THAT I AM NOT ABLE TO PAY BACK ANY FUNDS DUE TO NOT HAVING SUFFICIENT INCOME TO DO SO! I ONLY RECEIVE SSDI . I ASK THAT THE JUDGE/COURT TAKE INTO ACCOUNT THAT I DANIEL HARPER SHOULD NOT BE LIABLE FOR THE CAR, ACCORDING TO MY KNOWLEDGE THE CAR WAS PUT INTO SOMEONE ELSE'S NAME RELEIVED ME OF DEBT/OWNERSHIP OF THE CAR ACCORDING TO THE DEALERSHIP I PURCHASED THE CAR, THAN BEFORE SOLD ALL DEBTS WERE PAID TO PROVIDENT BANK OR ELSE THE DMV WOULD NOT COVER THE DEBT THAN SWITCHED THE TITLE. SO, TO MY KNOWLEDGE THE UPON SELLING THE CAR, PLATES, TITLE, AND INSURANCE OUT OF MY NAME, PLUS I STILL DO NOT KNOW HOW I AM LIABLE FOR THE DEBT OF THIS CAR. BUT UPON ME BEING CONTACTED LATE AUGUST 2007 AFTER THE CAR WAS 3 MONTHS BEHIND I PRESUMED FULL RESPONSIBILITY AND ADDED THE PETITION PROVIDENT BANK IN MY AMMENDMENT TO MY CHAPTER 7 BANKRUPTCY. PLEASE TAKE INTO ACCOUNT THAT AFTER THE 9/26/07 DECISION I FOUND OUT THROUGH EXHIBIT "B", THAT PROVIDENT BANK KNEW WHERE THE TITLE HOLDER/CAR OWNER LIVED AND DID NOT PICK UP CAR TO SHOW HOW SERIOUS THEY ARE ABOUT THE TO SETTLEMENT OF THE DEBT AND RECOVERY OF THE CAR IN TIMELY MATTER ACCORDING TO THEIR RULES. THIS IS THE ONLY REASON WHY IT WAS A LATE ENTRY ON MY CHAPTER 7 BANKRUPTCY WAS THROUGH PROVIDENT BANKS NEGLET. FOR THE RECORD I DID NOT COMMIT FRAUD OR CHEAT THE PROVIDENT BANK OUT OF FUNDS OR TITLE WOULD NOT HAVE BEEN SWITCHED BY THE DMV. SO I WOULD LIKE FOR IT TO BE REMOVED THAT I COMMITTED FRAUD AND NEGLECT OR THE CAR WOULD BEEN TAKEN WHEN UNDER MY NAME BY THE PROVIDENT BANK EARLIER.